

## **MINUTES OF MEETING – MAY 24, 2005**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 24<sup>th</sup> day of May, 2005, the Commissioners' Court convened the regular Voting Session at 9:19 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners Court recessed the Voting Session at 11:52 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:41 PM and adjourned at 1:43 PM.

The Commissioners Court reconvened the regular Voting Session at 1:44 PM.

The Commissioners Court retired to Executive Session at 2:47 PM.

The Commissioners Court reconvened the Voting Session at 3:52 PM.

The Commissioners Court adjourned the Voting Session at 3:54 PM.

**PUBLIC HEARINGS**

- 1. RECEIVE COMMENTS ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF A DRAINAGE EASEMENT ALONG THE BACK OF LOT 36 AND A DRAINAGE AND PUBLIC UTILITY EASEMENT ALONG THE COMMON LOT LINE OF LOTS 36 AND 37 LOCATED IN LONG BRANCH VALLEY SECTION 3, A SUBDIVISION IN PRECINCT THREE. (ACTION ITEM 13) (COMMISSIONER DAUGHERTY) (9:26 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 13 for a summary of the Court’s action.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to open the public hearing.

**Motion carried:** County Judge Samuel T. Biscoe                                yes  
                     Precinct 1, Commissioner Ron Davis                                yes  
                     Precinct 2, Commissioner Karen Sonleitner                                yes  
                     Precinct 3, Commissioner Gerald Daugherty                                yes  
                     Precinct 4, Commissioner Margaret J. Gómez                                yes

**Members of the Court heard from:** Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to close the public hearing.

**Motion carried:** County Judge Samuel T. Biscoe                                yes  
                     Precinct 1, Commissioner Ron Davis                                yes  
                     Precinct 2, Commissioner Karen Sonleitner                                yes  
                     Precinct 3, Commissioner Gerald Daugherty                                yes  
                     Precinct 4, Commissioner Margaret J. Gómez                                yes

## RESOLUTIONS & PROCLAMATIONS

2. APPROVE RESOLUTION URGING ALL CITIZENS TO RECOGNIZE MEMORIAL DAY. (JUDGE BISCOE) (9:27 AM)

**Members of the Court heard from:** Olie Pope, Travis County Veterans’ Services Officer.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 2.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Hugh Winkler, Travis County Resident; Alicia, Pearce Middle School Student; Ashley, Pearce Middle School Student; Rebecca, Pearce Middle School Student; and Trek English, Travis County Resident. (9:33 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C6, and Items 3, 4, 5.A-E, 6, 7, 8.A-C, 9.A-D, 10, 11, 12, 13, 14, 15, 18, 23.A&B, 24, 27, 31, and A4. (9:38 AM)

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

**CONSENT ITEMS CONTINUED**

- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF MAY 3, 2005.
- C4.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF JUNE 14, 2005, TO CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER OF REJECTION OF DEDICATION OF PUBLIC STREETS AND ACCEPT THE SECOND AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE ROB ROY, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY)
- C6.** APPROVE SETTING A PUBLIC HEARING ON JUNE 28, 2005 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 22, 23 & 24, BEE CREEK HILL, SECTION ONE (REVISED PLAT – 1 LOT – 0.763 ACRES – BUMBLE BEE DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY)

**PURCHASING OFFICE ITEMS**

- 3.** DISCUSS AND APPROVE PROCUREMENT CARD POLICY AND PROCEDURES FOR THE TRAVIS COUNTY HOSPITAL DISTRICT OFF STATE CONTRACT THROUGH THE TRAVIS COUNTY PURCHASING AGENT. (PURCHASING) (COMMISSIONER GÓMEZ) (9:45 PM)

**Clerk's Note:** Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 4.** APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 04T00130RG, TRAFFIC PAINT, WITH ENNIS PAINT. (TNR) (COMMISSIONER GÓMEZ) (9:45 PM)

**Clerk's Note:** Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

5. APPROVE AMENDMENT FORM TO EXTEND AUDIT DEADLINES FOR FIVE SOCIAL SERVICES CONTRACTS: (9:45 PM)

- A. NO. PS050052RE, THE ARC OF THE CAPITAL AREA;
- B. NO. PS050063RE, CRIME PREVENTION INSTITUTE, INC.;
- C. NO. PS050084RE, COMMUNITY ADVOCATES FOR TEENS AND PARENTS, INC.;
- D. NO. PS050076RE, RIVER CITY YOUTH FOUNDATION; AND
- E. NO. PS050083RE, YWCA OF GREATER AUSTIN. (HHS & VS)  
(COMMISSIONER GÓMEZ)

**Clerk's Note:** Judge Biscoe announced that the audit deadlines would be extended to June 30, 2005 for all of the contracts in Items 5.A-E.

**Clerk's Note:** Items 5.A-E approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO.2) TO CONTRACT NO. 03T00223LB, ALLIANT DIAGNOSTICS, FOR GENERAL LAB SERVICES. (SHERIFFS OFFICE) (COMMISSIONER GÓMEZ) (9:45 AM)

**Clerk's Note:** Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 04T00187RG, PRINTING AND MAILING SERVICES, WITH INFORMATION MANAGEMENT SOLUTIONS. (RECORDS MANAGEMENT) (COMMISSIONER GÓMEZ) (9:45 AM)

**Clerk's Note:** Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. APPROVE TWELVE-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR SIGN MATERIALS: (9:45 AM)

- A. NO. 04T00229RG, ROCAL INC.;
- B. NO. 04T00230RG, VULCAN SIGNS; AND
- C. NO. 04T00231RG, NIPPON CARBIDE INDUSTRIES. (TNR)  
(COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 8.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. APPROVE TWELVE-MONTH EXTENSIONS (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR SIGN HARDWARE: (9:45 AM)

- A. NO. 05T00166RG, ROADRUNNER TRAFFIC & SUPPLY;
- B. NO. 05T00167RG, VULCAN SIGNS;
- C. NO. 05T00168RG, LAIRD PLASTICS; AND
- D. NO. 05T00169RG, ALLIED TUBE & CONDUIT. (TNR) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 9.A-D approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. APPROVE AWARD OF A CATALOG INFORMATION SYSTEMS VENDOR STATE PURCHASE, RFO NO. 0050032-LC, FOR PROJECT MANAGEMENT SOFTWARE FROM LEGADERO SOFTWARE, INC. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

**Clerk's Note:** Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

11. APPROVE MODIFICATION NO. 9 TO CONTRACT NO. MA960322, TAX OFFICE COMPUTER SYSTEM, WITH EASY ACCESS, INC. (ITS/TAX OFFICE) (COMMISSIONER GÓMEZ) (9:45 AM)

**Clerk's Note:** Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 04K00020JJ, BLAKE MANOR ROAD REALIGNMENT, WITH AARON CONCRETE CONTRACTOR, LP. (TNR) (COMMISSIONER DAVIS) (9:45 AM)

**Clerk's Note:** Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

13. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF A DRAINAGE EASEMENT ALONG THE BACK OF LOT 36 AND A DRAINAGE AND PUBLIC UTILITY EASEMENT ALONG THE COMMON LOT LINE OF LOTS 36 AND 37 LOCATED IN LONG BRANCH VALLEY SECTION 3, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:45 AM)

**Clerk's Note:** Item 13 is the action item for the public hearing on Agenda Item 1.

**Clerk's Note:** Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: THE RANCHES AT HAMILTON POOL (LONG FORM PLAT – 16 LOTS – 384.74 ACRES – HAMILTON POOL ROAD – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:45 AM)

**Clerk's Note:** Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: SENNA HILLS SECTION 7 (LONG FORM PLAT – 44 LOTS – 28.855 ACRES – SENNA HILLS DRIVE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY SENNA HILLS MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:45 AM)

**Clerk's Note:** Item 15 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

16. CONSIDER AND TAKE APPROPRIATE ACTION TO SELECT TWO BOARD MEMBERS TO REPRESENT TRAVIS COUNTY ON THE BOARD OF DIRECTORS OF THE PARKE OWNERS ASSOCIATION FOR LAND IN THE BALCONES CANYONLANDS PRESERVE (BCP) LOCATED WITHIN THE PARKE. (COMMISSIONER DAUGHERTY) (1:44 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Sonleitner to appoint Rose Farmer and Kevin Connally to represent Travis County on the Board of Directors of the Parke Owners Association for land in the Balcones Canyonlands Preserve located within the Parke.

**Motion carried:** County Judge Samuel T. Biscoe yes  
Precinct 1, Commissioner Ron Davis yes  
Precinct 2, Commissioner Karen Sonleitner yes  
Precinct 3, Commissioner Gerald Daugherty yes  
Precinct 4, Commissioner Margaret J. Gómez yes

17. CONSIDER AND TAKE APPROPRIATE ACTION ON A YMCA LEASE AGREEMENT FOR EAST METROPOLITAN PARK POOL COMPLEX. (COMMISSIONER DAVIS) (1:45 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; and Tenley Aldredge, Assistant County Attorney.

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe to approve the lease agreement with the YMCA.

**Motion carried:** County Judge Samuel T. Biscoe yes  
Precinct 1, Commissioner Ron Davis yes  
Precinct 2, Commissioner Karen Sonleitner yes  
Precinct 3, Commissioner Gerald Daugherty yes  
Precinct 4, Commissioner Margaret J. Gómez yes

18. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN MEADOWS AT CAMBRIDGE HEIGHTS PHASE ONE, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:45 AM)

**Clerk’s Note:** Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.



19. CONSIDER AND TAKE APPROPRIATE ACTION ON STATUS OF TNR WORK PLAN AND NEED TO ADOPT ALTERNATIVE STRATEGY TO PERFORM TASKS RELATED TO WALNUT CREEK EROSION PLAN. (COMMISSIONER BISCOE) (10:09 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; John Kuhl, Program Manager, Natural Resources, TNR; Marie Ingram, Travis County Resident; and Trek English, Travis County Resident.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to authorize Staff to prepare an appropriate RFQ for Court approval, and to repost this item on June 7, 2005; and between now and then we will identify an appropriate source of funding; and to notify Planning and Budget that the recommendation is Allocated Reserve.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 19 to be reposted on June 7, 2005.

20. DISCUSS AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY COMMENTS TO CAMPO BOARD OF DIRECTORS REGARDING DRAFT 2030 TRANSPORTATION PLAN. (2:15 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Discussion Only. No formal action taken.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO SOLID WASTE LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING: (9:19 AM)
- A. A PERFORMANCE BASED AGREEMENT WITH BROWNING-FERRIS INDUSTRIES;
  - B. A SITING ORDINANCE COVERING TYPES I AND IV LANDFILLS IN TRAVIS COUNTY; AND
  - C. A PROPOSAL FROM WASTE MANAGEMENT INC. REGARDING ARTERIAL A AND SOLID WASTE ISSUES.

Items 21.A-C postponed until June 7, 2005.

### PLANNING AND BUDGET DEPT. ITEMS

22. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:46 AM)

Item 22 not needed.

23. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:45 AM)
- A. GRANT APPLICATION TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, THROUGH THE ONESTAR FOUNDATION, FOR THE AMERICORPS GRANT PROGRAM IN HEALTH AND HUMAN SERVICES. THIS APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 06;
  - B. GRANT CONTRACT WITH FEMA/GOVERNOR'S OFFICE OF EMERGENCY MANAGEMENT FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT. GRANT CONTRACT CONTINUES THE EXISTING PROGRAM FOR FY 05.

**Clerk's Note:** Items 23.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### ADMINISTRATIVE OPERATIONS ITEMS

- 24.** REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$433,276.17 FOR THE PERIOD OF MAY 6 THROUGH MAY 12, 2005. (9:45 AM)

**Clerk’s Note:** Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 25.** CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:46 AM) (1:44 PM)

Item 25 not needed.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to reconsider the action taken on Item 25.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the routine personnel amendments.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

26. CONSIDER AND TAKE APPROPRIATE ACTION ON MGT OF AMERICA'S PEACE OFFICER COMPENSATION STUDY RECOMMENDATIONS AND OPTIONS. (10:23 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Linda Moore Smith, Director, Human Resources Management Department (HRMD); Christian Smith, Executive Manager, Planning and Budget Office (PBO); Bill Derryberry, Budget Analyst, PBO; and Todd Osborne, MGT of America.

**Motion by Judge Biscoe and seconded by** Commissioner Davis to receive the consultant's report, with the understanding that additional work will be done on the Park Rangers and the average salary contention for law enforcement; and as soon as the results are available on the average salary information for law enforcement, we should share the results with the Corrections Officers Association so they will see the facts.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 26 to be reposted on June 14, 2005.

### OTHER ITEMS

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:45 AM)

**Clerk's Note:** Item 27 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. RECEIVE AND DISCUSS FIRST REVENUE ESTIMATE FOR FISCAL YEAR 2006 BUDGET PROCESS. (2:38 PM)

**Members of the Court heard from:** Blain Keith, Chief Assistant County Auditor.

Discussion Only. No formal action taken.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REAPPOINTMENT OF HENRY GILMORE, JOHANNA ZMUD AND LOWELL LEBERMAN AS TRAVIS COUNTY REPRESENTATIVES ON THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY BOARD. (JUDGE BISCOE AND COMMISSIONER SONLEITNER) (9:51 AM)

**Members of the Court heard from:** Johanna Zmud, Board Member, Central Texas Regional Mobility Authority; and Henry Gilmore, Board Member, Central Texas Regional Mobility Authority.

**Motion by** Commissioner Sonleitner **and seconded by** Judge Biscoe to re-appoint Henry Gilmore, Johanna Zmud, and Lowell Lebermann as Travis County Representatives on the Central Texas Regional Mobility Authority Board for a two year re-appointment, with the Court revisiting this Item when we get guidance and clarification from the Legislature, the voters, and/or the Courts.

**A Division of the Vote was requested by** Commissioner Davis.

**First Division of the Vote:**

**Motion by** Commissioner Sonleitner **and seconded by** Judge Biscoe to re-appoint Henry Gilmore as a Travis County Representative on the Central Texas Regional Mobility Authority Board for a two year re-appointment, with the Court revisiting this Item when we get guidance and clarification from the Legislature, the voters, and/or the Courts.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Second Division of the Vote:**

**Motion by** Commissioner Sonleitner **and seconded by** Judge Biscoe to re-appoint Johanna Zmud as a Travis County Representative on the Central Texas Regional Mobility Authority Board for a two year re-appointment, with the Court revisiting this Item when we get guidance and clarification from the Legislature, the voters, and/or the Courts.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**ITEM 29 CONTINUED**

**Third Division of the Vote:**

**Motion by** Commissioner Sonleitner **and seconded by** Judge Biscoe to re-appoint Lowell Lebermann as a Travis County Representative on the Central Texas Regional Mobility Authority Board for a two year re-appointment, with the Court revisiting this Item when we get guidance and clarification from the Legislature, the voters, and/or the Courts.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 30. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM DISTRICT CLERK FOR TEMPORARY OR PERMANENT EMPLOYEE ASSISTANCE FOR FACTS DATA ENTRY. (2:44 PM)

**Members of the Court heard from:** Amalia Rodriguez Mendoza, Travis County District Clerk; and Diana Ramirez, Budget Analyst, PBO.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the request for three temporary Court Clerk Assistant staff positions to assist with workload demands, in the amount of \$23,965.00, to be funded from the FACTS operating reserve; and to approve the budget transfer as an automatic.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING USE AGREEMENT WITH NORTHCROSS MALL FOR ELECTIONS RUNOFF EARLY VOTING POLLING SITE. (9:45 AM)

**Clerk’s Note:** Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

**TO BE TAKEN UP AT 11:00 A.M.**

**32.** CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 79<sup>TH</sup> TEXAS LEGISLATURE. (A LIST MAY BE OBTAINED FROM ANY MEMBER OF THE TRAVIS COUNTY COMMISSIONERS COURT.) (11:17 AM)

**Clerk’s Note:** The Court discussed **House Bill 2833 (HB2833):** Relating to the protection of private real property from regulatory takings.

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney; and Marisa Gonzales, Travis County Legislative Consultant.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to authorize County Consultants and appropriate Staff to notify the bills sponsors and our legislative delegation of Travis County’s opposition to House Bill 2833, unless and until the second “effect” (page 9, line 1) is changed to “regulate”, pursuant to what we consider to be a previous agreement or understanding; and to communicate this by phone, email, or in person.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk’s Note:** The Court discussed **Senate Bill 1858 (SB1858):** Relating to the authority of local governments to enforce a water pollution control and abatement program and establish standards and practices for water quality.

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney; Marisa Gonzales, Travis County Legislative Consultant; and Scheleen Walker, Travis County Air Quality Project Manager, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to support Senate Bill 1858, and let the Travis County Legislative Delegation know our position; and to communicate our position by phone, email, or in person.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**ITEM 32 CONTINUED**

**Clerk's Note:** The Court discussed **Senate Bill 1704 (SB1704):** Relating to jury service.

**Members of the Court heard from:** Bill Derryberry, Budget Analyst, PBO; and Marisa Gonzales, Travis County Legislative Consultant.

**Clerk's Note:** The Court indicated that the County's position is that funding for the proposed legislation in Senate Bill 1704 ought to be provided.

Discussion Only. No formal action taken.

**Clerk's Note:** The Court discussed **Senate Bill 142 (SB142):** Relating to the authority of a county to regulate land development after a local option election.

**Members of the Court heard from:** Marisa Gonzales, Travis County Legislative Consultant; and Scheleen Walker, Travis County Air Quality Project Manager, TNR.

Discussion Only. No formal action taken.

**Clerk's Note:** The Court discussed the following proposed legislation:

**House Bill 2572 (HB2572):** Relating to the functions of local mental health and mental retardation authorities.

**House Bill 2759 (HB2759):** Relating to requirements for county election precincts.

**Senate Bill 767 (SB767):** Relating to the appraisal for ad valorem tax purposes of certain land included in a habitat preserve and subject to a conservation easement.

**House Bill 2702 (HB2702):** Relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, policing, and safety of transportation in this state; providing a penalty.

**House Bill 1006 (HB1006):** Relating to the adoption of ad valorem tax rates by taxing units and to related tax bills.

**Senate Bill 18 (SB18):** Relating to the adoption of ad valorem tax rates by taxing units and to related tax bills.

**Members of the Court heard from:** Marisa Gonzales, Travis County Legislative Consultant; and Scheleen Walker, Travis County Air Quality Project Manager, TNR.

Discussion Only. No formal action taken.



**EXECUTIVE SESSION ITEMS**

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

Note 4 Gov't Code Ann 551.076, Security

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

- 33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ROSENBAUM V. TRAVIS COUNTY (REQUESTED BY COUNTY ATTORNEY). <sup>1</sup> (2:47 PM) (3:52 PM)

**Clerk's Note:** Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No formal action taken.

Item 33 to be reposted on June 7, 2005.

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON COUNTER SETTLEMENT OFFER IN MICHELLE FAUGHT V. TRAVIS COUNTY, ET AL. <sup>1</sup> (2:47 PM) (3:53 PM)

**Clerk's Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to authorize the County Attorney to counter the settlement offer in the amount of \$3,000.00, and indicate our decision to cover expenses in the amount of \$1,000.00, and to award \$150.00 per day to arrive at \$3,000.00, and to make that as an offer of judgment.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 35. CONSIDER DEVELOPMENT AND REPAIR CLAIMS RECEIVED FROM TENANTS AT THE FARMERS MARKET, AND TAKE APPROPRIATE ACTION.<sup>1</sup> (2:47 PM)

Item 35 to be reposted on May 31, 2005.

- 36. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN OPPORTUNITY TO LEASE OR PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. <sup>2</sup> (2:47 PM) (3:53 PM)

**Clerk's Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we authorize appropriate County personnel to continue lease negotiations; and to have this back on the Court's Agenda next week, May 31, 2005.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 36 to be reposted on May 31, 2005.

### ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION OF ISSUES REGARDING SOCIAL SERVICES CONTRACT WITH SICKLE CELL ANEMIA ASSOCIATION. (9:47 AM)

Item A1 postponed until May 31, 2005.

**A2.** CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION FROM THE CITY OF AUSTIN FOR COLLABORATIVE VENTURE ON THE IMPROVEMENT OF HOWARD LANE TO SH130. (10:54 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Jack Gullanhorn, President, Gregg Neighborhood Association; and Robert Stluka, Winstead Consulting Group.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to authorize Staff to draft an appropriate response to the Mayor of the City of Austin’s letter; that we indicate, basically, work done on this project, progress made, and what we understand the obstacles to be at this point. Basically, it’s non-compliance with the standards we use for public/private partnership agreements.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**A3.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION FOR CONTRIBUTION FOR REGIONAL AIR QUALITY RELATED PROJECTS IN FY 06 BUDGET. (11:11 AM)

**Members of the Court heard from:** Cathy Stephens, Environmental Program Manager, Capital Metropolitan Planning Organization (CAMPO); Scheleen Walker, Travis County Air Quality Project Manager, TNR; and Joe Gieselman, Executive Manager, TNR.

Discussion Only. No formal action taken.

Item A3 to be reposted on May 31, 2005.

**A4.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM AUSTIN AREA URBAN LEAGUE TO USE OUTDOOR PREMISES AT 1811 SPRINGDALE, PRECINCT ONE JP AND CONSTABLE OFFICES, FOR COMMUNITY CELEBRATION OF 18 YEARS OF REPAIRING AND REHABILITATING HOMES IN OUR COMMUNITY. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:45 AM)

**Clerk’s Note:** Item A4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

**ADJOURNMENT**

**Motion by** Commissioner Davis **seconded by** Commissioner Gómez to adjourn the Voting Session. (3:54 PM)

<b>Motion carried:</b>	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

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**Date of Approval**

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**Samuel T. Biscoe, Travis County Judge**